

REFERENCE TITLE: photo enforcement; highways; highway fund

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

## **HB 2251**

Introduced by  
Representatives Gorman, Allen J, Knaperek, Pearce, Pierce, Rosati: Biggs,  
Burges, Groe, Murphy, Quelland, Robson, Stump, Senator Martin

### AN ACT

AMENDING TITLE 28, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-629; AMENDING SECTION 28-6991, ARIZONA REVISED STATUTES; RELATING TO PHOTO ENFORCEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Title 28, chapter 3, article 2, Arizona Revised Statutes,  
3 is amended by adding section 28-629, to read:

28-629. Photo enforcement system: state or interstate system highways: monies to state treasurer: definition

6           A. EXCEPT FOR MONIES COLLECTED BY THE COURT PURSUANT TO TITLE 12,  
7 CHAPTER 1, ARTICLE 1, A LOCAL AUTHORITY THAT IS AUTHORIZED BY THIS STATE TO  
8 USE A PHOTO ENFORCEMENT SYSTEM TO IDENTIFY VIOLATORS OF ARTICLES 3 AND 6 OF  
9 THIS CHAPTER ON A STATE HIGHWAY OR INTERSTATE SYSTEM HIGHWAY IN THIS STATE  
10 SHALL TRANSMIT THE MONIES THE LOCAL AUTHORITY RECEIVES AS A RESULT OF THE  
11 VIOLATION TO THE STATE TREASURER FOR DEPOSIT, PURSUANT TO SECTIONS 35-146 AND  
12 35-147, IN THE STATE HIGHWAY FUND ESTABLISHED BY SECTION 28-6991.

B. FOR THE PURPOSES OF THIS SECTION, "PHOTO ENFORCEMENT SYSTEM" MEANS A DEVICE SUBSTANTIALLY CONSISTING OF A RADAR UNIT OR SENSOR LINKED TO A CAMERA OR OTHER RECORDING DEVICE THAT PRODUCES ONE OR MORE PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPES OR DIGITAL OR OTHER RECORDED IMAGES OF A VEHICLE'S LICENSE PLATE FOR THE PURPOSE OF IDENTIFYING VIOLATORS OF ARTICLES 3 AND 6 OF THIS CHAPTER.

19 Sec. 2. Section 28-6991, Arizona Revised Statutes, is amended to read:  
20 28-6991. State highway fund; sources

21 A state highway fund is established that consists of:

22           1. Monies distributed from the Arizona highway user revenue fund  
23 pursuant to chapter 18 of this title.

24            2. Monies appropriated by the legislature.

25           3. Monies received from donations for the construction, improvement or  
26 maintenance of state highways or bridges. These monies shall be credited to  
27 a special account and shall be spent only for the purpose indicated by the  
28 donor.

29       4. Monies received from counties under cooperative agreements,  
30 including proceeds from bond issues. The state treasurer shall deposit these  
31 monies to the credit of the fund in a special account on delivery to the  
32 treasurer of a concise written agreement between the department and the  
33 county stating the purposes for which the monies are surrendered by the  
34 county, and these monies shall be spent only as stated in the agreement.

35       5. Monies received from the United States under an act of Congress to  
36 provide aid for the construction of rural post roads, but monies received on  
37 projects for which the monies necessary to be provided by this state are  
38 wholly derived from sources mentioned in paragraphs 2 and 3 of this section  
39 shall be allotted by the department and deposited by the state treasurer in  
40 the special account within the fund established for each project. On  
41 completion of the project, on the satisfaction and discharge in full of all  
42 obligations of any kind created and on request of the department, the  
43 treasurer shall transfer the unexpended balance in the special account for  
44 the project into the state highway fund, and the unexpended balance and any

1 further federal aid thereafter received on account of the project may be  
2 spent under the general provisions of this title.

3       6. Monies in the custody of an officer or agent of this state from any  
4 source that is to be used for the construction, improvement or maintenance of  
5 state highways or bridges.

6       7. Monies deposited in the state general fund and arising from the  
7 disposal of state personal property belonging to the department.

8       8. Receipts from the sale or disposal of any or all other property  
9 held by the department and purchased with state highway monies.

10      9. Monies generated pursuant to section 28-410.

11      10. Monies distributed pursuant to section 28-5808, subsection B,  
12 paragraph 2, subdivision (d).

13      11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

14      12. Except as provided in section 28-5101, the following monies:

15       (a) Monies deposited pursuant to section 28-2206 and section 28-5808,  
16 subsection B, paragraph 2, subdivision (e).

17       (b) One dollar of each registration fee and one dollar of each title  
18 fee collected pursuant to section 28-2003.

19       (c) Two dollars of each late registration penalty collected by the  
20 director pursuant to section 28-2162.

21       (d) The air quality compliance fee collected pursuant to section  
22 49-542.

23       (e) The special plate administration fees collected pursuant to  
24 sections 28-2404, 28-2412 through 28-2424 and 28-2514.

25       (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156  
26 if the director is the registering officer.

27      13. Monies deposited pursuant to chapter 5, article 5 of this title.

28      14. Donations received pursuant to section 28-2269.

29      15. Dealer and registration monies collected pursuant to section  
30 28-4304.

31      16. Abandoned vehicle administration monies deposited pursuant to  
32 section 28-4804.

33      17. Monies deposited pursuant to section 28-710, subsection D,  
34 paragraph 2.

35      18. MONIES DEPOSITED PURSUANT TO SECTION 28-629.

36       Sec. 3. Retroactivity

37       This act is effective retroactively to from and after December 31,  
38 2005.